

REMARKS

Reexamination and reconsideration of claims 1-3, 6-44, and 69-80 are respectfully requested. Applicants appreciate and acknowledged the Examiner's indication of allowable subject matter in claims 9-14, 16-20, 24, 25, 35, and 36. Claims 12, 24, 35, and 45-68 have been cancelled without prejudice.

Additionally, the Office Action Summary (PTOL-326) checked the box stating that Information Disclosure Statement(s) were attached, but Applicants did not receive the same with the Office Action papers. Applicants respectfully request that the initialed and signed copies of Applicants' three (3) previously submitted IDS be included with the next correspondence.

Claims 6-8, 26, 37, and 69-80 were rejected under 35 U.S.C. sec. 112, second paragraph, as being indefinite. Claims 6-8, 26, 37, and 69-80 have been amended to remove any indefiniteness that may have existed. Withdrawal of the sec. 112 rejection, second paragraphs, of claims 6-8, 26, 37, and 69-80 is respectfully requested.

Claims 1-3, 6-8, 15, 22, and 69-71 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No. 4,515,435 ('435). Claim 1 has been amended to include subject matter that was indicated as allowable by the Examiner.

As for claims 69-71, claim 69 recites, *inter alia*, a fiber optic cable assembly having an average delta insertion loss of about 0.03 dB or less at a reference wavelength selected from the group of about 1310 nm, about 1550 nm, and 1625 nm during a thermal cycling test that cycles the temperature between a minimum of -40°C and a maximum of 85°C. On the other hand, the '435 patent discloses a cable having relatively large optical fibers that for transmitting visible light signals in applications such as monitoring coal-fired boilers. See the '435 patent at Cols. 1-2 and Col. 8, ll. 47-50. In other words, the

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cable of the '435 patent is not suitable for use with the recited wavelengths used for modulated optical communication signal transmission of claim 69. For at least this reason, the '435 patent does not disclose, teach, or otherwise suggest the features of claim 69. Thus, withdrawal of the sec. 102(b) rejection of claims 1-3, 6-8, 15, 22, and 69-71 is warranted and is respectfully requested.

Claim 21 was rejected under 35 U.S.C. sec. 103(a) applying the '435 patent. For at least the reasons stated above, withdrawal of the sec. 103(a) rejection of claim 21 is warranted and is respectfully requested.

Claims 23, 26-31, 32-34, 37-42, 43, 44, 69, 72-77, and 78-80 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 5,237,635 ('635) in view of the BASF publication. For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

Claims 23 and 34 have been amended to include subject matter that was indicated as allowable by the Examiner.

It is respectfully submitted that at least each and every feature of amended claim 69 is not disclosed, taught, or otherwise suggested either explicitly, or inherently, by the purported modification. Additionally, the amendment of claim 69 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of claim. In other words, the cable assembly of claim 69 recites, *inter alia*, a fiber optic cable assembly having an average delta insertion loss of about 0.03 dB or less at a reference wavelength selected from the group of about 1310 nm, about 1550 nm, and 1625 nm during a thermal cycling test that cycles the temperature between a minimum of -40°C and a maximum of 85°C. These feature are not disclose,

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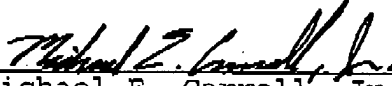
taught, or otherwise suggested by the purported modification. Thus, the Office Action has failed to make a *prima facie* case of obviousness. For at least these reasons, withdrawal of the sec. 103(a) rejection of claims 23, 26-31, 32-34, 37-42, 43, 44, 69, 72-77, and 78-80 is warranted and is respectfully requested.

No fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application..

Respectfully submitted,


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